

Remarks

Claims 1-20 are pending in the application. Claims 1-8 and 17-20 were rejected and claims 9-16 were withdrawn from consideration. Reconsideration of the claims is respectfully requested. No new matter has been added.

Rejection Under 35 U.S.C. § 102

Claims 1, 3 and 5 were rejected under § 102(b) as being anticipated by U.S. Patent No. 4,889,290 issued to Koffsky et al. (hereinafter "Koffsky '290"). A *prima facie* case has not been established for the rejection of claim 1. Claim 1 recites a machining system having a machining envelope. The machining system includes "a housing defining at least a portion of the machining envelope, a hopper having a top surface defining an opening, and a seal extending from the top surface to the housing, wherein the hopper is configured to receive particulates when positioned below the machining envelope." Koffsky '290 does not disclose a machining system as claimed. For example, Koffsky '290 does not recite "a seal extending from the top surface [of the hopper] to the housing. Instead, Koffsky '290 discloses a sleeve 116 that "protrudes down as shown in Fig. 4" such that "sleeve 116 [is] drooped into receptacle bag 120 and causes a seal to occur between the uppermost portion of bag 120 and sleeve 116 (see column 5, lines 25-26 and 45-48). In other words, the sleeve 116 (called a seal by the Examiner) does not extend from a top surface of the cart 126 (called a "hopper" by the Examiner) to a housing since (1) the sleeve 116 is separated from the cart 126 by receptacle bag 120 and (2) the ends of the sleeve 116 are "attached to upper and lower rings 112 and 114" such that the sleeve is drooped inside the receptacle bag 120 and within cart 126 (see column 5, lines 23-24 and Figure 4). Moreover, the Examiner has not pointed with particularity to any element of Koffsky '290 as being a top surface, which is sufficient to negate the establishment of a *prima facie* case. As such, Applicants are left to guess as to what exactly the Examiner believes to be a top surface. Consequently, a *prima facie* case has not been established and Applicants request that this rejection be withdrawn. Since claims 3 and 5 depend on claim 1, a *prima facie* case has not been established for the rejection of these claims for the same reasons.

A *prima facie* case has not been established for the rejection of claim 17. Claim 17 recites a machining system comprising “a housing including an upper portion defining a machining envelope, a lower portion disposed proximate the upper portion, the lower portion having an access port, and a mating portion disposed proximate the upper and lower portions defining a first aperture, the mating portion having a bottom surface, and a chip hopper adapted to be inserted through the access port into the lower portion, the chip hopper including, a top surface defining a second aperture, and a seal disposed on the top surface, wherein the seal engages the bottom surface of the mating portion to inhibit particulates from exiting the housing.” Koffsky ‘290 does not disclose a machining system as claimed. For example, Koffsky ‘290 does not disclose “a seal disposed on the top surface” [of the chip hopper] that “engages the bottom surface of the mating portion [of a housing] to inhibit particulates from exiting the housing. Instead, Koffsky ‘290 discloses a sleeve 116 that “protrudes down as shown in Fig. 4” such that “sleeve 116 [is] drooped into receptacle bag 120 and causes a seal to occur between the uppermost portion of bag 120 and sleeve 116 (see column 5, lines 25-26 and 45-48). In other words, the sleeve 116 (called a seal by the Examiner) is not disposed on a top surface of the cart 126 (called a hopper by the Examiner) since it is drooped *inside* the receptacle bag 120 and *within* cart 126. Moreover, the sleeve 116 is attached to an *inner* surface of a lower ring 114 of a diaphragm valve 110 and is therefore does not engage a bottom surface of a mating portion of a housing as recited in claim 17. Moreover, the Examiner has not pointed with particularity to any element of Koffsky ‘290 as being a top surface, which is sufficient to negate the establishment of a *prima facie* case. As such, Applicants are left to guess as to what exactly the Examiner believes to be a top surface. For these reasons, a *prima facie* case has not been established for the rejection of claim 17. Since claim 18 depends on claim 17, Applicants believe that a *prima facie* case has not been established for the rejection of these claims for the same reasons.

Rejection Under 35 U.S.C. § 103

Claims 2, 6, and 19 were rejected under § 103(a) as being unpatentable over Koffsky '290 in view of U.S. Patent No. 6,112,504 issued to McGregor et al. (hereinafter "McGregor '504"). Claims 2 and 6 depend on claim 1. Claim 19 depends on claim 17. Consequently, Applicants believe that the rejection of these claims is overcome for the reasons previously discussed.

Claims 4 and 20 were rejected under § 103(a) as being unpatentable over Koffsky '290 in view of U.S. Patent Application Publication No. 2003/0131571 issued to Demarco (hereinafter "Demarco '571"). Claims 4 and 20 depend on claims 1 and 17, respectively. Consequently, Applicants believe that the rejection of these claims is overcome for the reasons previously discussed.


Claims 7 and 8 were rejected under § 103(a) as being unpatentable over Koffsky '290 in view of McGregor '504 and further in view of Demarco '571. Claims 7 and 8 depend on claim 1. Consequently, Applicants believe that the rejection of these claims is overcome for the reasons previously discussed.

Conclusion

Applicants have made a genuine effort to respond to the Examiner's objections and rejections in advancing the prosecution of this case. Applicants believe all formal and substantive requirements for patentability have been met and that this case is in condition for allowance, which action is respectfully requested.

Respectfully submitted,

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